IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11097 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CHANDUBHAI MULJIBHAI VAGHASIA

Versus

DISTRICT MAGISTRATE

Appearance:

MR SAURABH G AMIN for Petitioner

MR SAMIR DAVE for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/02/2001

ORAL JUDGEMENT

#. Challenge has been made by petitioner in this petition who is detained under the Prevention of Antisocial Activities Act, 1985 (hereinafter referred to as `Act') as a `bootlegger' to the order of the District Magistrate, Bhavnagar, dated 21.8.2000 passed in exercise

of powers conferred under Section 3(2) of the Act.

#. This matter also exhibits clear example that the detention order of the petitioner is nothing but only a statistical data and deliberately, lacunas have been left out in the order so that he may get himself released by this court.

#. The learned counsel or the petitioner raised manifold contentions challenging the order impugned in this special civil application of the detaining authority, but as this matter deserves acceptance only on one ground, no need to refer, discuss and give finding on all other contentions. This course is adopted otherwise to save precious and valuable time of the court which is facing serious problem of overcoming pending matters.

#. One of the ground raised is that the detaining authority has not verified himself the statements of privileged witnesses. From the original record produced for perusal of the court, I find that one word has been stated for verification of the statement by the District Magistrate. It cannot be said to be verification of the statements as what the law requires. This matter is squarely covered by decision of this court reported in 1996(1) GLH 300.

#. In the result, this petition succeeds and the same is allowed and the order of detention of the petitioner dated 21.8.2000 is quashed and set aside. The petitioner - Chandubhai Muljibhai Vaghasia, the detenu, at present at District Jail, Nadiad, be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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(sunil)